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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,205	07/14/2003	Masatoshi Masuda	SCCO.009AUS	6375

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EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,205

Applicant(s)

MASUDA, MASATOSHI

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/2/03; 4/14/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 4, 5, and 14-21 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 8, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lund (WO 89/01104).

Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schwartzman (863).

Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by De Laforcade. The reference to De Laforcade discloses the recited valve mechanism comprising a valve seat portion near 22, having an opening through which fluid flows, a valve portion comprising a valve body 7 having a shape corresponding to

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the opening, a shaft 27, a valve support portion comprising a bottom plate 26, an annular support 17 fixedly attached to the valve seat, at least three connectors 25 in the form of flexions connecting the bottom plate and the annular support urging the bottom plate downward to close the opening and the bottom plate moves upward on bending of the connectors to push the valve to the open position, where such is provided on a container 100.

Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartzman (668). The reference to Schwartzman discloses the recited valve mechanism comprising a valve seat portion near 30, having an opening through which fluid flows, a valve portion comprising a valve body 36 having a shape corresponding to the opening, a shaft 38, a valve support portion comprising a bottom plate 40, an annular support 42 fixedly attached to the valve seat via portion 26, at least three connectors 44 in the form of flexions connecting the bottom plate and the annular support urging the bottom plate downward to close the opening and the bottom plate moves upward on bending of the connectors to push the valve to the open position, where such is provided on a container 10.

Claims 1-3 and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartzman (162). The reference to Schwartzman discloses the recited valve mechanism comprising a valve seat portion near 22, having an opening through which fluid flows, a valve portion comprising a valve body 33 having a shape corresponding to the opening, a shaft 34, a valve support portion comprising a bottom plate 36, an annular support 42 fixedly attached to the valve seat, at least three connectors 38 in the

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form of flexions connecting the bottom plate and the annular support urging the bottom plate downward to close the opening and the bottom plate moves upward on bending of the connectors to push the valve to the open position, where such is provided on a container 10, a guide portion is formed by multiple ribs 23 at the opening for discharging fluid and guiding the shaft and extends to the valve seat.

Conclusion

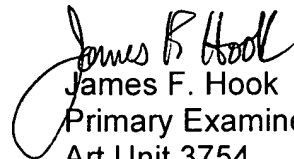
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Schwartzman (554, 213, and 563), Tsunemoto and Wass disclosing state of the art valves for dispensers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James F. Hook
Primary Examiner
Art Unit 3754

JFH